

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

BMS CAT, INC.,

Plaintiff,

v.

CIVIL ACTION NO. 5:16-cv-11955

GREENBRIER HOTEL
CORPORATION, et al.,

Defendants.

ORDER


The Court has reviewed the *Motion for Entry of Order Dismissing, Without Prejudice, Paul O. Clay, Jr., Trustee and Denise A. Light, Trustee* (Document 57), wherein the parties agree to the dismissal of Defendants Paul O. Clay and Denise A. Light, both named as Trustees. The Plaintiff and Fayette County National Bank agree that Fayette County National Bank will not argue that the Trustees are necessary parties. The Plaintiff, Trustees, and Fayette County National Bank agree that any final non-appealable ruling of the Court as to the Mechanic's Liens filed by Plaintiff will bind Trustees and/or any future trustees of Fayette County National Bank as to the property upon which Plaintiff asserts a Mechanic's Lien.

After careful consideration, the Court **ORDERS** that the *Motion for Entry of Order Dismissing, Without Prejudice, Paul O. Clay, Jr., Trustee and Denise A. Light, Trustee* (Document 57) be **GRANTED** and that Paul O. Clay, Jr., Trustee, and Denise A. Light, Trustee, be dismissed without prejudice. The Court further **ORDERS** that the *Motion for Entry of Order Dismissing,*

Without Prejudice, Sarah C. Ellis, Trustee and James H. Adkins, Trustee (Document 36) be **TERMINATED**, in light of the order entered on May 15, 2017, dismissing Ms. Ellis and Mr. Adkins (Document 55).

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and to any unrepresented party.

ENTER: August 11, 2017


IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA